1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 11 In re: USDC Case No. 13-00350-RSM 12 OCEAN PACIFIC DEVELOPMENT, LLC, Internal Appeal No. 13-S002 Debtor. 13 Bankruptcy No. 12-21050 14 ORDER DENYING APPELLANT'S 15 MOTION FOR EXTENSION OF TIME OCEAN PACIFIC DEVELOPMENT, LLC, TO FILE APPELLANT BRIEF AND Appellant 16 GRANTING APPELLEE'S MOTION TO STRIKE APPELLANT'S BRIEF 17 v. 18 Union Bank, N.A., 19 Appellee. 20 21 This matter comes before the Court on Appellant Ocean Pacific Development, LLC's 22 ("Appellant") Motion for Extension of Time to File Appellant Brief (Dkt. #7). The date on 23 which Appellant was to file its Brief was May 6, 2013. Dkt. # 5. Appellant failed to file its 24 Brief on that date, despite having forty days notice of the deadline. See id. On May 7, 2013, 25 26 27 ORDER DENYING APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE 28 APPELLANT BRIEF AND GRANTING APPELLEE'S MOTION TO STRIKE APPELLANT'S BRIEF

Appellant filed its Motion requesting an extension of time to file its Brief. It then delinquently filed its Brief on May 12, 2013. Dkt. # 8.

The Court considered the Motion, Appellee's Response and attached declarations and exhibits, and the entire file herein. Based on the evidence presented, the Court finds that Appellant failed to comply with Local Civil Rules W.D. Wash. when it filed its Motion after the date on which it was to file its Brief; when it failed to accord the procedures outlined in LCR 7(j); and when it then delinquently filed its Brief.

Based on the above findings, it is NOW, THEREFORE, ORDERED as follows:

- 1) Appellant's Motion for Extension of Time to File Appellant Brief (Dkt. # 7) is DENIED;
- 2) Appellee's Motion to Strike Appellant's Brief is GRANTED;
- 3) Appellant's Brief is stricken from the record; and
- 4) Appellant's appeal is DISMISSED.

Dated this 29<sup>th</sup> day of May 2013.

RICARDO S. MARTINEZ

UNITED STATES DISTRICT JUDGE